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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,571	01/27/2004	Alain Gauthier	713-1029	9023
22429	7590	01/24/2007	EXAMINER	
LOWE HAUPTMAN BERNER, LLP			REESE, DAVID C	
1700 DIAGONAL ROAD			ART UNIT	
SUITE 300			PAPER NUMBER	
ALEXANDRIA, VA 22314			3677	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/24/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/764,571	GAUTHIER, ALAIN
	Examiner David C. Reese	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 October 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 and 8-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 8-23 is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application
6) Other: _____.

DETAILED ACTION

In view of the Pre Appeal request filed on 10/16/2006, PROSECUTION IS HEREBY REOPENED.

THIS NON-FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 9/15/2006.

- Claim 7 is canceled.
- Claims 22-23 were amended.
- Claims 1-6 and 8-23 are pending.

Claim Rejections - 35 USC § 112

[1] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[2] Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the instant case, claim 1 is indefinite due to the following statement, "each of said flutes opening onto a single flat surface". It is apparent that each of said flutes opens onto their own respective flat surface; not a single flat surface (inferring that the flutes open onto the same flat surface) as currently claimed.

Allowable Subject Matter

[3] Claims 8-23 are allowed.

Reasons for Allowance

[4] The following is an examiner's statement of reasons for allowance. This application has been reviewed by the examiner and meets all formal and substantive (i.e., statutory) requirements and the language of the claims is enabled by, and finds adequate descriptive support in the application disclosure as originally filed.

The primary reason for the allowance of the claims is the presence of limitations in the independent claims, which are not found in the prior art references. The examiner believes that the record of the prosecution as a whole makes clear his reasons for allowing a claim or claims. However, the examiner would like to point out one or more specific reasons and/or limitations that the prior art fails to disclose and/or make obvious. Hence, with respect to independent claim 8, the prior art fails to disclose of a screw with a shank, a plurality of external threads, and a drilling portion formed at a lower end of said shank, said drilling portion comprising a central drilling tooth having opposite flat surfaces; and two lateral drilling teeth on opposite sides of said central drilling tooth, each of said lateral drilling teeth having flat surface which is coplanar with one of the flat surfaces of said central drilling tooth, said flat surfaces formed from two helical flutes helically extending in the first direction, each of said flutes ending at one of said flat surfaces of said central drilling tooth. Claims 9-16 and 22 are dependent upon claim 8.

Secondly, with respect to independent claim 17, the prior art fails to disclose of a screw with a shank, a plurality of external threads, and a drilling portion formed at a lower end of said shank, said drilling portion comprising a central drilling tooth having opposite flat surfaces; and two lateral drilling teeth on opposite sides of said central drilling tooth, each of said lateral drilling teeth having a flat surface which is a continuous extension of one of the flat surfaces of said central drilling tooth, extending seamlessly without interruption into said one of the flat surfaces of said central drilling tooth, said flat surfaces formed from two helical flutes helically extending in the first direction, each of said flutes ending at one of said flat surfaces of said central drilling tooth. Claims 18-21 and 23 are dependent upon claim 18.

Conclusion

[5] THIS ACTION IS NON-FINAL

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese
Assistant Examiner
Art Unit 3677

DCR



1/18/07


ROBERT J. SANDY
PRIMARY EXAMINER